

Message

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**From:** Music, Madelena [music.madelena@epa.gov]  
**Sent:** 9/9/2016 8:10:03 PM  
**To:** Valentine, Julia [Valentine.Julia@epa.gov]; Benenati, Frank [benenati.frank@epa.gov]; Harrison, Melissa [Harrison.Melissa@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Hull, George [Hull.George@epa.gov]; Nowotarski, Allison [nowotarski.allison@epa.gov]  
**CC:** Music, Madelena [music.madelena@epa.gov]; Samtani, Riddhi [samtani.riddhi@epa.gov]  
**Subject:** RE: EPA Clips 9/9/16

*Below: The Hill, AP (via The Chicago Tribune), CNN, Oklahoma: AP (via ABC News); American Lead: FOX 59; Politico (Morning Energy); UCMR: Madison County Courier, LongIsland.com*

**The Hill**

<http://thehill.com/policy/energy-environment/295223-obama-administration-orders-nd-pipeline-construction-to-stop>  
**Obama administration orders ND pipeline construction to stop**

By David Henry 9/9/16 3:52pm

The Obama administration said it would not authorize construction on a critical stretch of the Dakota Access Pipeline, handing a significant victory to the Indian tribe fighting the project the same day the group lost a court battle.

The administration said construction would halt until it can do more environmental assessments.

The Department of Justice, the Army and the Interior Department jointly announced that construction would pause on the pipeline near North Dakota's Lake Oahe, a major water source on the Missouri River for the Standing Rock Sioux Tribe.

The agencies will now decide whether they need to reconsider permitting decisions for the pipeline under the National Environmental Policy Act.

"The Army will move expeditiously to make this determination, as everyone involved — including the pipeline company and its workers — deserves a clear and timely resolution," the agencies said in a statement. "In the interim, we request that the pipeline company voluntarily pause all construction activity within 20 miles east or west of Lake Oahe."

The Lake Oahe crossing was a major concern for the tribe, who worry about the impact a leak in the pipeline would have on the lake.

A federal judge Friday denied the tribe's request to halt construction on the 1,770-mile pipeline. The administration's decision came shortly after that decision.

**AP (via The Chicago Tribune)**

<http://www.chicagotribune.com/news/nationworld/ct-dakota-access-oil-pipeline-20160909-story.html>

**Judge denies North Dakota tribe's request to stop work on multi-state oil pipeline**

No listed author 9/9/16

The Standing Rock Sioux Tribe's attempt to halt construction of the four-state Dakota Access oil pipeline near their North Dakota reservation was denied Friday by a federal judge.

The tribe had challenged the Army Corps of Engineers' decision to grant permits at more than 200 water crossings for Dallas-based Energy Transfer Partners' \$3.8 billion pipeline, saying that the project violates several federal laws, including the National Historic Preservation Act, and will harm water supplies. The tribe also says ancient sacred sites have been disturbed.

U.S. District Judge James Boasberg in Washington denied the tribe's request for a temporary injunction in a one-page ruling that included no explanation. It ordered the parties to appear for a status conference on Sept. 16.

Attorney Jan Hasselman with environmental group Earthjustice, who filed the lawsuit in July on behalf of the tribe, said in the days before the ruling that it'll be challenged.

"We will have to pursue our options with an appeal and hope that construction isn't completed while that (appeal) process is going forward," he said. "We will continue to pursue vindication of the tribe's lawful rights even if the pipeline is complete."

Energy Transfer Partners officials didn't return The Associated Press' phone calls or emails seeking comment.

The 1,172-mile project would carry nearly a half-million barrels of crude oil daily from North Dakota's oil fields through South Dakota and Iowa to an existing pipeline in Patoka, Ill.

The tribe has argued the project threatens water supplies and has already disrupted sacred sites. The developer says modern technology allows quick detection of leaks. Pipeline supporters also say it would cut the amount of oil that travels by train.

A weekend confrontation between protesters and private security guards left some guards injured and some protesters with dog bites.

The Great Plains Tribal Chairman's Association asked U.S. Attorney General Loretta Lynch on Thursday to send federal monitors to the protest site, alleging racial profiling and other transgressions are happening.

"Our people have a right to peacefully assemble and protest on federal lands," association President John Yellow Bird Steele wrote.

Authorities say some protesters are armed with hatchets and knives, and Saturday's clash injured guards and dogs.

Lynch's office did not immediately respond to a request for comment.

The tribe's lawsuit alleges that the Dakota Access pipeline violates several federal laws, including the National Historic Preservation Act, and threatens the region's water supply and sacred ancient sites outside of the 2.3-million acre reservation.

The tribe argues that the Corps should not have used a streamlined permit process when it reviewed the pipeline and that engineers did not do enough to consult with tribal members about the \$3.8 billion project as required by the historic-preservation law.

The Corps disputes those allegations.

The consultation requirement is an example of how the tribe's status as a sovereign nation could give it more influence, said Tom King, a consultant who has worked with tribes and businesses on historic-preservation issues for roughly five decades.

As a sovereign nation, the tribe is entitled to a formal process for airing any concerns. That process does not apply to a nearby rancher, for instance.

Other tribes have prevailed under similar circumstances.

Earlier this year, federal officials cancelled an oil and gas lease in northwest Montana because the Blackfoot tribes of the U.S. and Canada said the project would disturb an area they consider sacred.

The Corps rejected a \$700 million coal-export terminal proposed for Washington state because regulators decided the project would violate the Lummi tribe's treaty-protected fishing rights.

The Dakota Access project gained enough state and federal approvals to begin construction this summer on some sections of the route through North Dakota, South Dakota, Iowa and Illinois. Some of the work is on hold until the judge rules.

The success of the fight against the failed Keystone XL pipeline has emboldened environmental groups, said Indiana University professor David Konisky, but he does not think the protests and lawsuits will stop the Dakota Access project.

"I suspect it will be delayed and possibly changed, but all indications are it will be built," said Konisky, who studies public policy and has written a book about public attitudes on energy.

This week's ruling isn't likely to settle the dispute. Appeals are likely no matter who wins this round.

There have been other legal challenges and protests of the pipeline, with the most aggressive ones in North Dakota and Iowa. Several dozen protesters have been arrested after chaining themselves to construction equipment or otherwise trying to block the work.

The fight over the Keystone XL lasted seven years. Forcing a significant delay in the Dakota Access project might be considered a victory in itself.

"Delays are often critical elements to victory. It's a death by a thousand cuts. If there are so many delays and frustration on the overall project, you have a better chance of it not going through," said Omaha attorney Brian Jorde, who helped develop the pipeline-fighting plan while representing Nebraska landowners fighting Keystone XL.

Jorde was part of a group that gathered over the summer in Atlanta with environmentalists and landowner-rights groups to build support for future pipeline battles.

Other pipeline projects such as the Constitution pipeline in New York and Pennsylvania and the Palmetto pipeline in the Southeast have encountered strong opposition, said University of Minnesota professor Alexandra Klass. Both South Carolina and Georgia recently banned the use of eminent domain to secure land for oil pipelines.

"Environmental groups didn't used to be that involved in oil and gas pipelines," said Klass, who specializes in energy law. "Now there is much more of a greater focus on making it difficult to transport fossil fuels, so that we can move more to renewable energy. So you have new alliances over climate change between national environmental groups and landowner groups that you didn't see 10 years ago."

The strong opposition to a project like the Dakota Access pipeline can polarize public opinion about it, said Mark Barteau, director of the University of Michigan's Energy Institute. That can make it hard for any energy infrastructure project to be approved.

"It's become increasingly difficult to look at projects like this," Barteau said, "and evaluate them on their merits and costs and benefits."

## **CNN**

<http://www.cnn.com/2016/09/09/us/dakota-access-pipeline/>

### **Judge denies motion to halt work on Dakota Access Pipeline**

By Ray Sanchez and Holly Yan 9/9/16 3:42pm

(CNN)[Breaking news update, posted at 3:17 p.m. ET]

A federal judge Friday denied a Native American tribe's request for a temporary restraining order to halt construction on the controversial Dakota Access Pipeline. U.S. District Judge James E. Boasberg wrote in his decision that the Standing Rock Sioux Tribe failed to show "it will suffer injury that would be prevented by any injunction the Court could issue."

[Previous story, posted at 10:12 a.m. ET]

A federal judge's decision Friday could fuel heightened tensions in the battle over the Dakota Access Pipeline.

The ruling on a Native American tribe's request for a temporary restraining order on construction comes one day after Gov. Jack Dalrymple activated the state National Guard "in the event they are needed to support law enforcement response efforts," according to a National Guard spokesman.

The Standing Rock Sioux Tribe filed an emergency motion Sunday asking the court "to prevent further destruction of the tribe's sacred sites by Dakota Access Pipeline."

The \$3.7 billion project, which would span four states, has led to heated, sometimes violent protests.

Proponents say the project could be an economic boon for the region and potentially change the landscape of the US crude oil supply.

Those seeking to halt construction warn of an environmental disaster that would destroy sacred Native American sites.

The pipeline's developer, Energy Transfer Partners, has predicted the project would help the United States become less dependent on importing oil from unstable regions of the world.

The tribe wants to halt further construction on an area two miles west of North Dakota Highway 1806, near Lake Oahe, until the judge's ruling.

The plaintiffs claim the tribe was not properly consulted before the US Army Corps of Engineers approved the pipeline project, which would run from North Dakota to South Dakota, Iowa and Illinois.

A US district court judge is expected to make a decision by Friday.

The Army Corps of Engineers has declined to comment, citing the pending litigation.

On Thursday, a state National Guard statement said the governor had asked it "to support law enforcement and augment public safety efforts, in light of recent activity with the Dakota Access Pipeline protest."

"The Guard members will serve in administrative capacities and assist in providing security at traffic information points," the statement said.

"The Guardsmen will not be going to the actual protest site. The governor also placed additional Guardsmen on standby alert in the event they are needed to support law enforcement response efforts."

Thousands of people from more than 200 Native American tribes have supported the Standing Rock Sioux's efforts to protect their lands, waters and sacred sites during construction of the pipeline, according to the tribe.

If completed, the 1,172-mile pipeline would carry 470,000 barrels of crude oil a day from North Dakota to Illinois.

Energy Transfer said the pipeline would bring an estimated \$156 million in sales and income taxes to state and local governments. It would also add 8,000 to 12,000 construction jobs, the developer said.

But about 30 environmental groups, including the Sierra Club and Greenpeace, have slammed the pipeline project, calling it "yet another example of an oil pipeline project being permitted without public engagement or sufficient environmental review."

Protesters are also worried that digging the pipeline under the Missouri River could affect the drinking water supply if the pipeline breaks.

Protests turned violent over the weekend, with some demonstrators breaking down a wire fence and trespassing onto a construction area, the Morton County Sheriff's Department said.

"Protesters physically assaulted private security officers hired by Dakota Access Pipeline. The security officers were hit and jabbed with fence posts and flagpoles," the sheriff's department said. "According to several reports from security officers, knives were pulled on them or they witnessed protestors with large knives."

The sheriff's department also said two guard dogs were injured. But protesters disputed that account, CNN affiliate KFVR said.

Demonstrators said the guards used pepper spray and tear gas on the activists, and some protesters were injured by the guards' dogs.

#### **AP (via ABC News)**

<http://abcnews.go.com/US/wireStory/latest-north-dakota-activates-guard-protests-41951204>

#### **The Latest: Large Crowds in 3 States Protest Pipeline**

No listed author 9/9/16 1:07am

The Latest on the legal challenges and coordination of the four-state Dakota Access oil pipeline (all times local):

11:30 p.m.

Hundreds of people have gathered in three states in a show of solidarity with protesters trying to halt the construction of the Dakota Access Pipeline that will move oil from North Dakota to Illinois.

The Omaha World-Herald reports members of four Nebraska Native American tribes participated in a demonstration in downtown Omaha against the pipeline Thursday evening outside the offices of the U.S. Army Corps of Engineers, which granted permits for the project.

In Tulsa, Oklahoma, hundreds gathered for an evening of speeches, dancing and chants of, "Water is life," according to the Tulsa World. Several hundred marchers also rallied in Denver.

The Standing Rock Sioux tribe has sued to try to stop the \$3.8 billion project, and the fight has drawn thousands of protesters to a construction site in North Dakota in recent weeks.

A federal judge is set to rule Friday on the tribe's request to temporarily stop construction near its reservation.

#### **FOX 59**

<http://fox59.com/2016/09/09/epa-to-begin-5-million-lead-cleanup-in-martindale-brightwood/>

#### **EPA to begin \$5 million lead cleanup in Martindale-Brightwood**

By Deanna Allbrittin 9/9/16 1:24am

INDIANAPOLIS, Ind. (September 9, 2016) -- In weeks, the EPA will begin a new effort to clean up dangerous levels of lead in Martindale-Brightwood, 30 years after they began investigating contamination in the area.

EPA representatives held a meeting for neighbors Thursday night, aiming to educate them about the breadth and scope of their latest plan to clean up lead from the old American Lead plant site.

The residents, in turn, wanted to hear that the EPA's newest attempt to get rid of the lead will put an end to their nightmare.

"At this point, people are getting like, "What is going on? Are we ever going to get answers?" asks Martindale-Brightwood Environmental Justice Collaborative chairperson Elizabeth Gore.

But many people said they left this meeting with many more questions than EPA representatives could answer.

"It's awful, just awful," says Yvonne Jenkins. "There's nothing that any of us can get back."

Yvonne Jenkins lives one-tenth of a mile from the old American Lead plant site. The soil around her home has dangerously high levels of the chemical.

"My oldest grandchild is sixteen, so he grew up there basically all his life," says Jenkins. "And I have two others, so there's a chance that all three of them. Might as well say they are exposed."

Like many at the meeting, Jenkins is concerned about generations of children poisoned by the lead in their yards.

She and some others are even more frustrated that they're still dealing with this problem a decade after the EPA told them their homes were all cleaned up.

"They dug two feet all around my home," says Jenkins. "Once more, here we are again in 2016 with the same issue, with the level being a lot higher than it was the first time."

EPA on-site coordinator Shelly Lam told people with similar complaints that the answer is not improper excavation and cleanup. She believes the soil around their homes were re-contaminated as the city has torn down blighted homes around the previously cleaned properties.

Some people in attendance disputed that claim, saying they live on streets where not a single home has been torn down.

The homes that once again showed lead contamination in their soil samples will be cleaned again as the EPA targets 100 homes in a larger area than before.

Lam says it's likely even more homes beyond their cleanup zone have lead in the soil too. But until they can prove it came from American Lead, the agency can't spend the money to clean it up.

They're asking people from around the cleanup zone to request soil samples to help establish a pattern and expand the current cleanup area.

"Will this be something that can end?" asks Gore. "Or will we always have to put gardens in boxes and will our children have to be tested for a period of time?"

For now, the EPA will concentrate on this project, which is expected to cost as much as \$5 million.

Lam says they hope to start digging up the lead-tainted soil within the next few weeks.

The process will likely take years to complete. This time, Jenkins hopes, will be the last time.

"I'm going to try to have faith," says Jenkins. "We'll see what happens."

### **Politico (Morning Energy)**

<http://www.politico.com/tipsheets/morning-energy>

#### **Sensenbrenner to EPA: Your report is late!**

Eric Wolff 9/9/16

Rep. James Sensenbrenner is taking the EPA to task for failing to produce legally required reports on the environmental impact of the Renewable Fuel Standard. In a letter sent Thursday, Sensenbrenner highlights EPA's reasons for not producing the report, and demands that the agency provide updates by Oct. 8. "Additional and updated research and analysis allows lawmakers to better gauge the strengths and weaknesses of policy we enact, and science-based decision-making is vital when evaluating our biofuel mandate," he wrote.

### **Madison County Courier**

<http://madisoncountycourier.com/?p=72854>

#### **Gillibrand's amendment to the Water Resources Development Act would require EPA to test for all contaminants in all public water supplies**

No listed author 9/9/16

U.S. Senator Kirsten Gillibrand, a member of the Senate Environment and Public Works Committee, today introduced an amendment to the Water Resources Development Act (WRDA) that would require the EPA to expand water testing for unregulated drinking water contaminants to all public water supplies. Currently, the EPA is only required to test for unregulated contaminants in water systems serving over 10,000 people.

"With one-third of all New Yorkers and millions of Americans nationwide getting their drinking water from water sources not subject to testing by the EPA, the Senate must take action immediately to close the loophole that exempts smaller public water systems from inspection," said U.S. Senator Kirsten Gillibrand. "My amendment would do that by requiring the EPA to test for all potential contaminants in all public water supplies. As we have seen from the devastating situation in the Hoosick Falls area, having a smaller population doesn't mean a community is immune from a dangerous water contamination crisis. I urge all of my colleagues to support this amendment, so that the EPA can better protect our small towns and villages from disasters like the one that took place in Hoosick Falls."

Senator Gillibrand has been urging the Senate Environment and Public Works Committee, as well as the EPA, Centers for Disease Control (CDC), and the National Institutes of Health (NIH) to take action to address the situation in Hoosick Falls, Hoosick, and Petersburg.

In May 2016, Senator Gillibrand urged the EPA to expedite the clean-up of Hoosick Falls, by designating it as a federal Superfund site. Senator Gillibrand also sent a letter to Senator James Inhofe, Chairman of the Senate Environment and Public Works Committee, in February 2016 requesting that the committee hold a hearing to examine the effects of PFOA on drinking water in the United States. In June 2016, Senator Gillibrand called on the EPA to use the new authority provided by the recently reformed Toxic Substances Control Act to determine if PFOA should be restricted or banned at the federal level. She also asked the NIH and the CDC to do all they can to provide information and assistance to the residents of Hoosick Falls, Hoosick, and Petersburg regarding the health effects of PFOA exposure.

Most recently, Senator Gillibrand wrote to the Directors of the National Institute of Environmental Health Sciences at NIH and the Agency for Toxic Substances and Disease Registry at CDC in July 2016 urging the agencies to prioritize research into the health effects of PFOA exposure and asking the agencies to outline the resources and legislative authority they need to conduct and support research to fill in the current gaps in our understanding of the health effects of PFOA.

### **Long Island dot com**

<http://www.longisland.com/news/09-07-16/cuomo-new-water-quality-protections.html>

#### **Governor Cuomo Calls For Aggressive New Water Quality Protections**

No listed author 9/9/16

Albany, NY - September 7, 2016 - Governor Andrew M. Cuomo today called for aggressive new water quality protections to protect New Yorkers and ensure clean drinking water.

In a letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, Department of Environmental Conservation Commissioner Basil Seggos and Department of Health Commissioner Howard Zucker urged the EPA to close a loophole in federal oversight that exempts public water systems that serve less than 10,000 people from its Unregulated Contaminant Monitoring Rule program. Under the status quo, public water systems serving some 2.5 million New York State residents are not required to be tested for these contaminants.

Combined with those who use private wells for drinking water, 6.5 million people – one-third of all New Yorkers and nearly 60 percent of residents outside of New York City – rely on water systems that do not require the testing of emerging contaminants such as perfluorooctanoic acid (PFOA).

Governor Cuomo will also be advancing legislation to address the EPA's failure to provide oversight of private wells by requiring testing for contaminants by homeowners prior to the sale of a home and mandating that landlords test their properties and share those results with tenants.

"We firmly believe that the health and safety of our residents should not depend on the size of the town in which they live," Commissioner Zucker said. "The EPA's current testing requirements leave millions of New Yorkers in the dark about the quality of their water simply because they are not part of large water systems. If the EPA fails to act, we will move new legislation to mandate the testing of unregulated contaminants in the 9,000 public water systems across the state. The administration is also advancing legislation to require the testing of private wells – which currently have no federal oversight whatsoever. We urge the legislature to join us in supporting these critical actions."

"At DEC, we work to remediate pollution in communities of all sizes. By only requiring testing of water systems that serve 10,000 residents or more, the EPA's current program does not reflect the reality of drinking water in our state and across the country," Commissioner Seggos said. "I strongly urge the EPA to reform their inadequate, subjective threshold for the requirement of testing of unregulated contaminants in public water systems. In addition, I encourage the Legislature to back our proposal to require testing of private wells. Whether you're buying a home or renting an apartment, you should have access to information about the quality of water you are drinking."

#### Require Testing of All Public Water Systems

The EPA's current UCMR program mandates testing for unregulated contaminants in only 188 of the state's 9,000 public water supplies. The UCMR program does not apply to water systems with less than 10,000 people – which means that 2,700 smaller community water systems and more than 6,000 other non-municipal water systems, like businesses and schools, are not required to test.

The result is that approximately 2.5 million New Yorkers are provided water from a system that is not required by the EPA to test for unregulated contaminants. This lack of federal oversight creates situations like Hoosick Falls, where for potentially decades, residents were drinking water contaminated with PFOA, which remains unregulated by the federal government and since it was not on the village's testing list. The letter asks that these important changes to federal oversight of unregulated contaminants testing are made prior to the end of the current administration.

The letter from Commissioner Seggos and Commissioner Zucker makes a number of specific requests to the EPA:

Expansion of the UCMR program to require sampling of unregulated contaminants for all public water supplies – no matter the size – to protect the 2.5 million New Yorkers who currently drink water from systems not required to test. Sampling results of unregulated contaminants should be provided to states in a timely and transparent manner, since the EPA currently does not report them.



Actionable guidance to make clear the steps that should be taken when unregulated contaminants are detected in a water supply.

Funding and technical assistance to support sampling, analysis, and technologies to address unregulated contaminants in drinking water.

If the EPA fails to comply with the state's request to overhaul their egregiously inadequate monitoring program, the Administration will:

- aggressively pursue legislation to mandate the testing of public water supplies for unregulated contaminants, regardless of size.
- take into consideration specific issues affecting localities across the state and require additional testing based on each particular circumstance.
- provide funding opportunities for small community water systems with financial hardship.

#### Require Testing of Private Wells

In February, Governor Cuomo established the New York State Water Quality Rapid Response Team, co-chaired by Commissioners Seggos and Zucker, to swiftly identify and address New York's most critical drinking water contamination concerns. A major challenge identified through this effort is the fact that the EPA fails to provide any degree of regulatory oversight for the nation's private wells.

There are 1.1 million private wells in New York State, serving nearly four million residents, yet the EPA does not require any testing of those wells – even during a home purchase. In response to this shortcoming, the Administration will be advancing legislation to require the testing of private wells upon sale of property and upon construction of a new well. In addition, the legislation will require landlords to conduct testing of private wells and notify tenants of the results.

The required testing will include a subset of regulated contaminants that pose a threat to human health and are most often detected in private wells.

Testing for unregulated contaminants may also be required in areas where contamination is known or suspected to exist due to previous sampling or proximity to a state or federally designated Superfund site.

If a test shows an exceedance of a contaminant, the private well owner will be required to notify the county or state Department of Health.

The party selling or renting the property will be expected to cover the expense of the required sampling, which currently costs approximately \$400, but is expected to drop to \$200-300 due to increased demand.

The state will also provide hardship funding to low-income homeowners and seniors.

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**From:** Music, Madelena

**Sent:** Friday, September 09, 2016 3:19 PM

**To:** Valentine, Julia <Valentine.Julia@epa.gov>; Benenati, Frank <benenati.frank@epa.gov>; Harrison, Melissa <Harrison.Melissa@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Hull, George <Hull.George@epa.gov>; Nowotarski, Allison <nowotarski.allison@epa.gov>

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**Subject:** RE: EPA Clips 9/9/16

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<http://abcnews.go.com/US/wireStory/latest-north-dakota-activates-guard-protests-41951204>

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#### **Madison County Courier**

<http://madisoncountycourier.com/?p=72854>

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No listed author 9/9/16

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"With one-third of all New Yorkers and millions of Americans nationwide getting their drinking water from water sources not subject to testing by the EPA, the Senate must take action immediately to close the loophole that exempts smaller public water systems from inspection," said U.S. Senator Kirsten Gillibrand. "My amendment would do that by requiring the EPA to test for all potential contaminants in all public water supplies. As we have seen from the devastating situation in the Hoosick Falls area, having a smaller population doesn't mean a community is immune from a dangerous water contamination crisis. I urge all of my colleagues to support this amendment, so that the EPA can better protect our small towns and villages from disasters like the one that took place in Hoosick Falls."

Senator Gillibrand has been urging the Senate Environment and Public Works Committee, as well as the EPA, Centers for Disease Control (CDC), and the National Institutes of Health (NIH) to take action to address the situation in Hoosick Falls, Hoosick, and Petersburg.

In May 2016, Senator Gillibrand urged the EPA to expedite the clean-up of Hoosick Falls, by designating it as a federal Superfund site. Senator Gillibrand also sent a letter to Senator James Inhofe, Chairman of the Senate Environment and Public Works Committee, in February 2016 requesting that the committee hold a hearing to examine the effects of PFOA on drinking water in the United States. In June 2016, Senator Gillibrand called on the EPA to use the new authority provided by the recently reformed Toxic Substances Control Act to determine if PFOA should be restricted or banned at the federal level. She also asked the NIH and the CDC to do all they can to provide information and assistance to the residents of Hoosick Falls, Hoosick, and Petersburg regarding the health effects of PFOA exposure.

Most recently, Senator Gillibrand wrote to the Directors of the National Institute of Environmental Health Sciences at NIH and the Agency for Toxic Substances and Disease Registry at CDC in July 2016 urging the agencies to prioritize research into the health effects of PFOA exposure and asking the agencies to outline the resources and legislative authority they need to conduct and support research to fill in the current gaps in our understanding of the health effects of PFOA.

#### **Long Island dot com**

<http://www.longisland.com/news/09-07-16/cuomo-new-water-quality-protections.html>

#### **Governor Cuomo Calls For Aggressive New Water Quality Protections**

No listed author 9/9/16

Albany, NY - September 7, 2016 - Governor Andrew M. Cuomo today called for aggressive new water quality protections to protect New Yorkers and ensure clean drinking water.

In a letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, Department of Environmental Conservation Commissioner Basil Seggos and Department of Health Commissioner Howard Zucker urged the EPA to close a loophole in federal oversight that exempts public water systems that serve less than 10,000 people from its Unregulated Contaminant Monitoring Rule program. Under the status quo, public water systems serving some 2.5 million New York State residents are not required to be tested for these contaminants.

Combined with those who use private wells for drinking water, 6.5 million people – one-third of all New Yorkers and nearly 60 percent of residents outside of New York City – rely on water systems that do not require the testing of emerging contaminants such as perfluorooctanoic acid (PFOA).

Governor Cuomo will also be advancing legislation to address the EPA's failure to provide oversight of private wells by requiring testing for contaminants by homeowners prior to the sale of a home and mandating that landlords test their properties and share those results with tenants.

"We firmly believe that the health and safety of our residents should not depend on the size of the town in which they live," Commissioner Zucker said. "The EPA's current testing requirements leave millions of New Yorkers in the dark about the quality of their water simply because they are not part of large water systems. If the EPA fails to act, we will move new legislation to mandate the testing of unregulated contaminants in the 9,000 public water systems across the

state. The administration is also advancing legislation to require the testing of private wells – which currently have no federal oversight whatsoever. We urge the legislature to join us in supporting these critical actions.”

"At DEC, we work to remediate pollution in communities of all sizes. By only requiring testing of water systems that serve 10,000 residents or more, the EPA's current program does not reflect the reality of drinking water in our state and across the country," Commissioner Seggos said. "I strongly urge the EPA to reform their inadequate, subjective threshold for the requirement of testing of unregulated contaminants in public water systems. In addition, I encourage the Legislature to back our proposal to require testing of private wells. Whether you're buying a home or renting an apartment, you should have access to information about the quality of water you are drinking."

#### Require Testing of All Public Water Systems

The EPA's current UCMR program mandates testing for unregulated contaminants in only 188 of the state's 9,000 public water supplies. The UCMR program does not apply to water systems with less than 10,000 people – which means that 2,700 smaller community water systems and more than 6,000 other non-municipal water systems, like businesses and schools, are not required to test.

The result is that approximately 2.5 million New Yorkers are provided water from a system that is not required by the EPA to test for unregulated contaminants. This lack of federal oversight creates situations like Hoosick Falls, where for potentially decades, residents were drinking water contaminated with PFOA, which remains unregulated by the federal government and since it was not on the village's testing list. The letter asks that these important changes to federal oversight of unregulated contaminants testing are made prior to the end of the current administration.

The letter from Commissioner Seggos and Commissioner Zucker makes a number of specific requests to the EPA:

Expansion of the UCMR program to require sampling of unregulated contaminants for all public water supplies – no matter the size – to protect the 2.5 million New Yorkers who currently drink water from systems not required to test. Sampling results of unregulated contaminants should be provided to states in a timely and transparent manner, since the EPA currently does not report them.

Actionable guidance to make clear the steps that should be taken when unregulated contaminants are detected in a water supply.

Funding and technical assistance to support sampling, analysis, and technologies to address unregulated contaminants in drinking water.

If the EPA fails to comply with the state's request to overhaul their egregiously inadequate monitoring program, the Administration will:

- aggressively pursue legislation to mandate the testing of public water supplies for unregulated contaminants, regardless of size.
- take into consideration specific issues affecting localities across the state and require additional testing based on each particular circumstance.
- provide funding opportunities for small community water systems with financial hardship.

#### Require Testing of Private Wells

In February, Governor Cuomo established the New York State Water Quality Rapid Response Team, co-chaired by Commissioners Seggos and Zucker, to swiftly identify and address New York's most critical drinking water contamination concerns. A major challenge identified through this effort is the fact that the EPA fails to provide any degree of regulatory oversight for the nation's private wells.

There are 1.1 million private wells in New York State, serving nearly four million residents, yet the EPA does not require any testing of those wells – even during a home purchase. In response to this shortcoming, the Administration will be

advancing legislation to require the testing of private wells upon sale of property and upon construction of a new well. In addition, the legislation will require landlords to conduct testing of private wells and notify tenants of the results.

The required testing will include a subset of regulated contaminants that pose a threat to human health and are most often detected in private wells.

Testing for unregulated contaminants may also be required in areas where contamination is known or suspected to exist due to previous sampling or proximity to a state or federally designated Superfund site.

If a test shows an exceedance of a contaminant, the private well owner will be required to notify the county or state Department of Health.

The party selling or renting the property will be expected to cover the expense of the required sampling, which currently costs approximately \$400, but is expected to drop to \$200-300 due to increased demand.

The state will also provide hardship funding to low-income homeowners and seniors.

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**From:** Music, Madelena

**Sent:** Friday, September 09, 2016 11:39 AM

**To:** Valentine, Julia <Valentine.Julia@epa.gov>; Benenati, Frank <benenati.frank@epa.gov>; Harrison, Melissa <Harrison.Melissa@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Hull, George <Hull.George@epa.gov>; Nowotarski, Allison <nowotarski.allison@epa.gov>

**Cc:** Music, Madelena <music.madelena@epa.gov>

**Subject:** EPA Clips 9/9/16

*Below: Oklahoma: AP (via ABC News); American Lead: FOX 59; Politico (Morning Energy); UCMR: LongIsland.com*

**AP (via ABC News)**

<http://abcnews.go.com/US/wireStory/latest-north-dakota-activates-guard-protests-41951204>

**The Latest: Large Crowds in 3 States Protest Pipeline**

No listed author 9/9/16 1:07am

The Latest on the legal challenges and coordination of the four-state Dakota Access oil pipeline (all times local):

11:30 p.m.

Hundreds of people have gathered in three states in a show of solidarity with protesters trying to halt the construction of the Dakota Access Pipeline that will move oil from North Dakota to Illinois.

The Omaha World-Herald reports members of four Nebraska Native American tribes participated in a demonstration in downtown Omaha against the pipeline Thursday evening outside the offices of the U.S. Army Corps of Engineers, which granted permits for the project.

In Tulsa, Oklahoma, hundreds gathered for an evening of speeches, dancing and chants of, "Water is life," according to the Tulsa World. Several hundred marchers also rallied in Denver.

The Standing Rock Sioux tribe has sued to try to stop the \$3.8 billion project, and the fight has drawn thousands of protesters to a construction site in North Dakota in recent weeks.

A federal judge is set to rule Friday on the tribe's request to temporarily stop construction near its reservation.

**FOX 59**

<http://fox59.com/2016/09/09/epa-to-begin-5-million-lead-cleanup-in-martindale-brightwood/>

## **EPA to begin \$5 million lead cleanup in Martindale-Brightwood**

By Deanna Allbrittin 9/9/16 1:24am

INDIANAPOLIS, Ind. (September 9, 2016) -- In weeks, the EPA will begin a new effort to clean up dangerous levels of lead in Martindale-Brightwood, 30 years after they began investigating contamination in the area.

EPA representatives held a meeting for neighbors Thursday night, aiming to educate them about the breadth and scope of their latest plan to clean up lead from the old American Lead plant site.

The residents, in turn, wanted to hear that the EPA's newest attempt to get rid of the lead will put an end to their nightmare.

"At this point, people are getting like, 'What is going on? Are we ever going to get answers?'" asks Martindale-Brightwood Environmental Justice Collaborative chairperson Elizabeth Gore.

But many people said they left this meeting with many more questions than EPA representatives could answer.

"It's awful, just awful," says Yvonne Jenkins. "There's nothing that any of us can get back."

Yvonne Jenkins lives one-tenth of a mile from the old American Lead plant site. The soil around her home has dangerously high levels of the chemical.

"My oldest grandchild is sixteen, so he grew up there basically all his life," says Jenkins. "And I have two others, so there's a chance that all three of them. Might as well say they are exposed."

Like many at the meeting, Jenkins is concerned about generations of children poisoned by the lead in their yards.

She and some others are even more frustrated that they're still dealing with this problem a decade after the EPA told them their homes were all cleaned up.

"They dug two feet all around my home," says Jenkins. "Once more, here we are again in 2016 with the same issue, with the level being a lot higher than it was the first time."

EPA on-site coordinator Shelly Lam told people with similar complaints that the answer is not improper excavation and cleanup. She believes the soil around their homes were re-contaminated as the city has torn down blighted homes around the previously cleaned properties.

Some people in attendance disputed that claim, saying they live on streets where not a single home has been torn down.

The homes that once again showed lead contamination in their soil samples will be cleaned again as the EPA targets 100 homes in a larger area than before.

Lam says it's likely even more homes beyond their cleanup zone have lead in the soil too. But until they can prove it came from American Lead, the agency can't spend the money to clean it up.

They're asking people from around the cleanup zone to request soil samples to help establish a pattern and expand the current cleanup area.

"Will this be something that can end?" asks Gore. "Or will we always have to put gardens in boxes and will our children have to be tested for a period of time?"

For now, the EPA will concentrate on this project, which is expected to cost as much as \$5 million.

Lam says they hope to start digging up the lead-tainted soil within the next few weeks.

The process will likely take years to complete. This time, Jenkins hopes, will be the last time.

"I'm going to try to have faith," says Jenkins. "We'll see what happens."

#### **Politico (Morning Energy)**

<http://www.politico.com/tipsheets/morning-energy>

#### **Sensenbrenner to EPA: Your report is late!**

Eric Wolff 9/9/16

Rep. James Sensenbrenner is taking the EPA to task for failing to produce legally required reports on the environmental impact of the Renewable Fuel Standard. In a letter sent Thursday, Sensenbrenner highlights EPA's reasons for not producing the report, and demands that the agency provide updates by Oct. 8. "Additional and updated research and analysis allows lawmakers to better gauge the strengths and weaknesses of policy we enact, and science-based decision-making is vital when evaluating our biofuel mandate," he wrote.

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